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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,635	08/31/2001	Peiguang Zhou	KCC-16,631	9238

7590 01/02/2003

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EXAMINER

SALVATORE, LYNDIA

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 01/02/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,635

Applicant(s)

ZHOU ET AL.

Examiner

Lynda M Salvatore

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 13-30, 33-57 and 60-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 13-30, 33-57 and 60-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☒ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment, Paper No. 8, has been entered as requested. Claims 11,12,31,32,58, and 59 have been cancelled and claims 1,21,42,43, and 48 have been amended.
2. Applicant's amendment to claim 21 is sufficient to obviate the objection set forth in section 1 of the last Office Action. As such, this rejection is withdrawn.
3. Applicant's amendment to claims 42 and 43 are sufficient to obviate the 112 2nd paragraph rejections set forth in sections 2-4 of the last Office Action. As such, these rejections are withdrawn.
4. Applicant's amendments have been carefully considered, however, despite this advance, the amendments are not found to patently distinguish the claims over the prior art and Applicant's arguments are not found persuasive for reasons set forth herein below.

Claim Rejections - 35 USC § 103

5. Claims 1-17,20-36, 42,43,45-62,64,66, and 68-75 *stand* rejected under 35 U.S.C. 103(a) as being unpatentable over Wang, US 6,329,468 in view of Hall, Jr., et al., US 3,370,106, as set forth in section 6 of the last Office Action.

Applicant has amended claims 1 and 21 to include the limitation of the weight percent of isotactic and atactic used in the hot melt adhesive, as well as the melt index range. Applicant amended claim 48 to further include the limitation of the melt index range. Applicant argues that Wang teaches adding 60 weight percent or more of substances other than isotactic and atactic polypropylene to improve a hot melt adhesive consisting of isotactic and atactic polypropylene and further teaches away from solely using polypropylene based polymer consisting of a blend of

Art Unit: 1771

isotactic and atactic polypropylene such as the one taught by Hall, Jr., et al. (Applicant's response, page 6, paragraphs 3 and 4). Applicant further argues that Hall, Jr., et al., does not explicitly teach using the hot melt adhesive to bond elastomeric materials to various substrates (Applicant's response, page 6, paragraph 4). With respect to the teachings of Wang, it is the position of the Examiner that despite Wang's teachings to improving a polypropylene based hot melt adhesive consisting of a blend of isotactic and atactic polypropylene such as the one disclosed by Hall, Jr., et al., obviousness may exist although the teachings relied upon may be disclosed in the art as non-preferred or unsatisfactory for the intended use (*In re Hans Theodor Boe* 148 USPQ 507).

With regard to the lack of an explicit teaching by Hall, Jr., et al., to use the hot melt adhesive to bond elastomeric materials to various substrates, Hall, Jr., et al., does teach that the hot melt adhesive is suitable for textile use. Furthermore, the general disclosure of Hall, Jr., et al., when used in combination with the teachings of Wang, who also discloses a blend consisting of isotactic and atactic polypropylene hot melt adhesive, is enough evidence that it is known in the art to use a hot melt adhesive consisting of a blend of isotactic and atactic polypropylene, although not necessarily preferred, to bond elastomeric materials to various substrates.

With regard to the newly added melt index range limitation recited in claims 1, 21, and 48, although, Hall, Jr., et al., does explicitly recite the melt index range of the hot melt adhesive, it is reasonable to presume that these melt indexes would be inherent to the hot melt adhesive of Hall, Jr., et al. Support for said presumption is found in the use of like materials (i.e., solid atactic polypropylene (essentially non-crystalline) having a molecular weight in the range of 15,000-60,000 and isotactic (essentially crystalline) polypropylene component having a molecular

Art Unit: 1771

weight ranging from 85,000 to 95,000) as well as the use of like ratio amounts present in the composition (ie., atactic polypropylene ranging from 75-95 percent of the composition and isotactic polypropylene ranging from 5-25 percent of the composition (Column 2, lines 19-25 and lines 39-45), which would result in the claimed property. The burden is upon the Applicant to prove otherwise.

6. Claims 17-19, 37-41, 63 and 65 *stand* rejected under 35 U.S.C. 103(a) as being unpatentable over Wang, US 6,329,468 in view of Hall, Jr., et al., US 3,370,106 as applied to claims 1, 21 and 48 above and further in view of Meece et al., US 2002/0039637 as set forth in section 7 of the last Office Action, since no new arguments have been presented, therefore, said rejection is maintained for reasons set forth above.

7. Claims 37, 44, 63 and 67 *stand* rejected under 35 U.S.C. 103(a) as being unpatentable over Wang, US 6,329,468 in view of Hall, Jr., et al., US 3,370,106 as applied to claims 21 and 48 above and further in view of Zafiroglu, US 5,468,320 as set forth in section 8 of the last Office Action, since no new arguments have been presented, therefore, said rejection is maintained for reasons set forth above.

Art Unit: 1771

Conclusion


8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 703-305-4070. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


December 24, 2002


CHERYL A. JUSKA
PRIMARY EXAMINER